HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27037 of 2007

Dated 27th December, 2007

Between

Tammisetty Sanjeeva Rao

…Petitioner

and

The Agency Divisional Officer, Kothagudem
Khammam District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27037 of 2007

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the second respondent in not disposing of the statutory appeal filed by the petitioner against the order of eviction dated 20-10-2001 passed in LTR Case No. 41/95/Singareni by the first respondent, as illegal and arbitrary.

The petitioner claims to be the owner and possessor of the land admeasuring Ac.1.00 guntas covered by Sy.No.24 of Usirikayalapalli revenue village, Singareni Mandal in Khammam District. It is stated that the said piece of land was purchased by the petitioner on 3-12-1967 from its previous owner, by name, Smt. Banooth Patni, a non-

tribal. The Agency Divisional Officer, Kothagudem, Khammam District, first respondent herein, has initiated proceedings against the petitioner and two others under the A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970 and while dropping the proceedings against respondents 1 and 2 therein, the said primary authority passed the order of eviction dated 20-10-2001 against the petitioner in LTR Case No.41/95/Singareni. It is stated that as against the order of eviction, the petitioner has preferred appeal before the Agent to Government and subsequently the same was transferred to the Additional Agent to Government (Project Officer, ITDA), Bhadrachalam, second respondent herein and the said appeal was numbered as CMA.No.16 of 2003. It is the grievance of the petitioner that though the appeal was filed as early as in the year 2003, the same is not being disposed of and on the other hand, the respondents are taking steps to enforce the order of eviction.

When the matter came up on 18-12-2007 and 24-12-2007, the learned Government Pleader appearing for the respondents, sought time to get instructions. Today, when the matter is taken up, the learned Government Pleader appearing for the respondents submits that the appeal preferred by the petitioner is still pending consideration.

As much as the petitioner has purchased the land in the year 1967 and since then he is in uninterrupted continuous possession of the said land, and, further, the appeal preferred by the petitioner is pending consideration, I dispose of the Writ Petition, directing the second respondent-appellate authority to dispose of the appeal in CMA.No.16 of 2003 preferred by the petitioner as expeditiously as possible, preferably within a period of three months from the date of

receipt of this order, by giving prior notice in writing and notifying the date of hearing, to the petitioner. Till the disposal of the appeal by the appellate authority, the respondents shall not enforce the order of eviction dated 20-10-2001 passed in LTR Case No.41/95/Singareni and allow the petitioner to be in possession of the said land.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 27-12-2007.
Msnr.